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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,561	07/31/2003	Jaime E. Garcia	JK01243	2593
28368 7590 09/13/2010 THE BLACK & DECKER CORPORATION 701 EAST JOPPA ROAD, TW199 TOWSON, MD 21286				
EXAMINER SWINNEY, JENNIFER B				
ART UNIT		PAPER NUMBER		
3724				
MAIL DATE		DELIVERY MODE		
09/13/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/632,561

Applicant(s)

GARCIA ET AL.

Examiner

JENNIFER SWINNEY

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-25, 35, 36 and 38-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-25, 35, 36, 38-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The amendments filed November 20, 2009 have been entered. The indicated allowability of claims 21-25 and 37-41 is withdrawn in view of the newly discovered reference(s) to US Patent No. 5,996,460 to Waite, US Patent No. 7,159,497 to Weusthof et al., US Patent No. 5,285,708 to Bosten et al., and JP 408138420 to Takahashi. Rejections based on the newly cited reference(s) follow. Any inconvenience caused by this Office action is regretted. Because the new ground of rejection was not necessitated by application's amendment, the office action is being made **non-final**.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,996,460 to Waite.

In Re to Claim 21, a table saw (Fig. 1), comprising: a support surface (Fig. 1, 21) with an aperture therethrough (Fig. 1, it is old and well known in the art of table saws for a support surface to have an aperture), for supporting a workpiece (Fig. 1, 12); a beveling cutting device (Fig. 1) adjustably extending through the support surface aperture (the saw is capable of pivoting to extend through the support surface) the cutting device for cutting a workpiece, whereby operation of the cutting device in the workpiece results in the formation of a kerf having a first and a second side in the

workpiece (Fig. 1, 12); a support device (Fig. 1, 26) attached to the beveling cutting device; a first optical emitting device (Fig. 1, 13) adjustably coupled to the support device to project a first optical indicator (Fig. 1, 20) substantially aligned with the first side of a kerf (Fig. 1); the first optical emitting device (Fig. 1, 14) are configured so as to bevel with the cutting device (Figs. 1,2), such that the first optical indicator is projected to substantially indicate the first (Figs. 1,3).

In Re to Claim 24, a first optical indicator is lines of light visible to a human (Fig. 1, 13, 20).

Examiner notes, Waite does not explicitly teach a second optical emitting device, however, Waite does disclose the optical emitting device emits a plurality of light rays, which are capable of aligning with the second side of the kerf. A single optical indicator provides a shadow line for alignment on the workpiece prior to performing a cutting procedure. However a single optical indicator only emits a specific lighting intensity and in the event, the single optical indicator does not provide sufficient lighting, it would have been obvious to one having ordinary skill in the art at the time of invention to provide Waite with a second optical emitting device configured to bevel with the cutting device to provide additional lighting to the work area to obtain greater accuracy and precision during a cutting process. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one having ordinary skill in the art at the time of invention.

4. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Waite in view of US Patent No. 7,159,497 to Weusthof et al.

In Re to Claim 22, Waite teaches a table saw, but does not explicitly teach the first and second optical emitting devices are lasers.

Weusthof teaches a table saw having optical emitting devices which are lasers (Fig. 1, Col. 3, lines 33-40).

Examiner notes, lasers are old and well known light sources utilized to create a visual path for alignment. Laser are incorporated in sawing devices to provide an alignment source to maintain precision and accuracy during a cutting process. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to substitute the light of Waite with the laser source as disclosed by Weusthof. The substitution of one known element for another would have yielded predictable results to one of ordinary skill in the art at the time of invention.

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Waite in view of JP 408138420 to Takahashi.

Takahash teaches optical emitting devices using gas lasers (Abstract).

Examiner notes, gas lasers (or Helium-neon lasers) are old and well known light sources a visual path for various applications. Gas lasers are cost efficient and capable of being incorporated in a sawing device to provide an alignment source to maintain precision and accuracy during a cutting process. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to substitute the light of Waite with the gas laser source as disclosed by Takahashi. The substitution of one

known element for another would have yielded predictable results to one of ordinary skill in the art at the time of invention.

6. Claims 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. 20040255745 to Poet et al.

In Re to Claim 35, Poet teaches a table saw (Fig. 1), comprising: a support surface (Fig. 1, 12) with an aperture (Fig. 4, 14) therethrough, for supporting a workpiece; a beveling cutting device assembly (Fig. 1, Para 0023, the blade is capable of being positioned at an angle) comprising a blade adjustably extending through the support surface aperture, said blade (Fig. 1, 16) for cutting a workpiece, the blade being disposed in a plane and having a perimeter (Fig. 1), the blade having a rotational axis disposed below the support surface (Fig. 2) and within the perimeter of the blade, and a beveling axis substantially perpendicular to the rotational axis, whereby operation of the blade in the workpiece results in the formation of a kerf having a first and a second side in the workpiece; a support device (Fig. 4, 22, 26) attached to the cutting device assembly; a first optical emitting device (Fig. 10, 74) adjustably coupled to the support device (Fig. 10, 26) and disposed above the support surface (Fig. 1) to project a first optical indicator substantially aligned with the plane (Fig. 10); wherein the first optical emitting device (Fig. 10, 74) is configured so as to bevel with the blade (Fig. 1, the support device is adjustable, in which the first optical emitting device is attached), such that said first optical indicator is projected to substantially indicate a cutting path of the blade along the workpiece (Fig. 10, 74, Para 0032).

In Re to Claim 36, the first optical emitting device (Fig. 10, 74) is adjustably coupled to the support device (Fig. 1, the support device is adjustable, in which the first optical emitting device is attached) to project a first optical emitting device is adjustably coupled to the support device to project a first optical indicator substantially aligned with first side of the kerf.

In Re to Claim 40, the first optical indicator are lines of light visible to a human (Fig. 10, 74, Para 0032).

Examiner notes, Poet does not explicitly teach a second optical emitting device adjustably coupled to the support device to project a second optical indicator substantially aligned with the second side of the kerf. The first optical emitting device of Poet emits a path of light to illuminate the cutting zone (Para 0032), however, one having ordinary skill in the art at the time of invention would have rendered it an obvious design choice to provide Poet with an additional optical device to increase the light emitted in the cutting zone to perform more precise and accurate cuts. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one having ordinary skill in the art at the time of invention.

7. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Poet in view of Weusthof.

In Re to Claim 38, Poet teaches a table saw (Fig. 1), but does not teach the first and second optical emitting devices are lasers.

Weusthof teaches a table saw having optical emitting devices which are lasers (Fig. 1, Col. 3, lines 33-40).

Examiner notes, lasers are old and well known light sources utilized to create a visual path for alignment. Laser are incorporated in sawing devices to provide an alignment source to maintain precision and accuracy during a cutting process. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to substitute the light of Poet with the laser source as disclosed by Weusthof. The substitution of one known element for another would have yielded predictable results to one of ordinary skill in the art at the time of invention.

8. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Poet in view of Takahashi.

In Re to Claim 38, Poet teaches a table saw (Fig. 1), but does not teach the first and second optical emitting devices are helium-neon lasers.

Takahash teaches optical emitting devices using gas lasers (Abstract).

Examiner notes, gas lasers (or Helium-neon lasers) are old and well known light sources to create a visual path for various applications. Gas lasers are cost efficient and capable of being incorporated in a sawing device to provide an alignment source to maintain precision and accuracy during a cutting process. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to substitute the light of Poet with the gas laser source as disclosed by Takahashi. The substitution of one known element for another would have yielded predictable results to one of ordinary skill in the art at the time of invention.

9. Claim 41 rejected under 35 U.S.C. 103(a) as being unpatentable over Poet in view of US Patent No. 5,285,708 to Bosten et al.

In Re to Claim 41, Poet teaches a table saw (Fig. 1), but does not teach the first and second optical emitting devices are fan laser beam generators.

Bosten discloses in the art of lighting devices a emitting device with is a fan laser beam generator.

Examiner notes, fan laser beam generators are old and well known light sources to create a linear visual path from the front to a rear distance of the saw support table. Fan laser beam generators project angular paths to ensure proper alignment is created on the workpiece prior the performing the cutting operation. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to substitute the light of Poet with the fan laser beam generator source as disclosed by Bosten. The substitution of one known element for another would have yielded predictable results to one of ordinary skill in the art at the time of invention.

Response to Arguments

10. Applicant's arguments with respect to claims 21-25 and 35, 36, and 38-41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER SWINNEY whose telephone number is (571) 270-5843. The examiner can normally be reached on Monday-Friday, 8:00 am-5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason Daniel Prone/
Primary Examiner, Art Unit 3724

10 September 2010

/JS/